

**Amendment No. 40 to HB2318**

**Johnson P  
Signature of Sponsor**

**AMEND Senate Bill No. 2300**

**House Bill No. 2318\***

by adding the following language at the end of Section 20, as amended, which revised the language in § 68-120-101(b)(1):

(A)

(i) The provisions of this section do not include nor apply to any one-family dwelling constructed pursuant to an exemption authorized by § 62-6-103(a)(2) and (3).

(ii) Other than for one-family dwellings totally exempted pursuant to subdivision (i), the standards established pursuant to subsection (a) relative to all other one-family dwellings do not apply in any county or municipality in which the legislative body of the county or municipality, by a two-thirds (2/3) vote, adopts a resolution to exempt the county or municipality, as appropriate, from the application of such state-wide standards for such one-family dwellings within the jurisdictional boundaries of the county or municipality, as appropriate; provided however, any action by the county legislative body concerning the implementation of this subdivision (b)(1)(A) shall be limited to the jurisdictional boundaries outside any municipality located within such county. Upon approving the resolution, the presiding officer of the legislative body shall notify the state fire marshal of the actions taken hereunder.

(iii) An initial resolution following July 1, 2009, may be adopted by a county or municipal legislative body to take effect on July 1, 2010, or at a later date stated in the resolution. Any resolution adopted shall expire no later than

four (4) years following the date the resolution takes effect, but an earlier expiration date may be stated in the resolution.

(B) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision(b)(1)(A) is authorized to reverse such action by adopting a resolution to apply the provisions of subsection (a) with respect to one-family dwellings, not exempted pursuant to subdivision (i), within the jurisdictional boundaries of the municipality or county, as appropriate; provided that, any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.